IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4691 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Amit Sale for the petitioners.
Mr. Rajesh Shirke h/f for Mr. D.R. More for the respondent.

CORAM : H.L. GOKHALE, J.

DATE : 28TH JUNE, 2006

P.C.

. Heard Mr. Sale in support of this petition. Mr. Shirke appears for the respondent. Respondent executed certain works for the petitioner Zilla Parishad. The contractual amount was not paid. He was required to file a suit. Preliminary decree has been passed and in pursuance thereto the amount of

Rs.1,37,388/- has been deposited by the petitioner in the trial Court. The final decree is therefore to be drawn. The case of the petitioner is that sum of Rs.29,802/- is due to the petitioner Zilla Parishand from the respondents. The only way out is that from this amount of Rs.1,37,388/-, Rs.1 lakh be released to the respondent. This is necessary in view of the fact that the work was executed some 25 years ago. In the circumstances, the trial Court will proceed with the application for final
decree at the earliest and decide it in any case, by the end of this year. In the meanwhile, the amount of Rs. 1 lakh from the deposited amount be released to the respondent. The amount be released within 4 weeks from the receipt of this writ. Petition is disposed of.

(H.L GOKHALE, J.)